IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH

AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF MARCH
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE.

AND

THE HON'BLE Ms. G.ROHINI

W.A.No.813 of 2004

(Writ Appeal under Clause 15 of Letter patent against the order in W.P.No.5639 of 2004 dated 25-03-2004 on the file of A.P. High Court)

Between:

1 Sindhura Educational Society, a Society Registered under the Societies Registration Act, (Reg.No.3358/92) at Peddapally, Karimnagar district, rep. by its Joint Secretary, Avunoori Mahesh S/o. A. Vaikunt S/o. A. Vaikuntam, aged about 35 years R/o. Pedda palli.
2 Vallem Vishweshwar Reddy, S/o. Dharma Reddy, Sindhura Educational Society, R/o. NTPC, Jyothinagar, Karimnagar District.

..... APPELLANTS/PETITIONERS

AND

1 All India Council for Technical Education, Indira Gandhi Sports Complex, I.P. Estate, New Delhi, rep. by its Adviser (UG)
2 All India Council for Technical Education, Southern Regional Officer, 26, Haddows Road, Shastri Bhavan, Chennai, rep. by its Regional Officer.
3 Govt. of A.P. rep. by its Principal Secretary, Higher Education, EC Department, Secretariat, Hyderabad.

4 Commissioner of Technical Education, Govt. of A.P.,
BRKR Bhavan, Tank Bund Road,
Hyderabad.

5 Vivekananda Educational Trust, Main Road,
Kamanpoor (P&M), Karimnagar District.
rep. by its Secretary, M. Krishna Murthy, S/o. Lingaiah,
aged 39 years, R/o. Pragathinagar,
Peddapalli, Karimnagar District.

.....RESPONDENTS/RESPONDENTS

For the Appellants : Sri P.Venugopal, Advocate.

For the respondents : Mr. S.Satyanarayana
Prasad for Kum. C.Sindhu
Kumari for R-1 and R-2

Govt. Pleader for Higher
Education for R-3 and R-4

None appeared for R-5

The Court at the stage of admission delivered the following:

ORAL JUDGMENT: (Per Hon'ble the Chief Justice)

The appellants' writ petition seeking mandamus declaring the action of respondents 1 to 3 in issuing letter of intent dated 28th January, 2004 in favour of the 5th respondent against the norms of the State Government as well as of the All India Council for Technical Education, New Delhi, as illegal and arbitrary, was dismissed by the learned single Judge at the threshold without issuing notice to the respondents. This order is challenged in the appeal. Learned single Judge while dismissing the writ petition observed that the writ petition is premature and filed on mere apprehension since permission has not yet been granted to fifth respondent and only a letter of intent has been granted which does not confer any right on the fifth respondent to start an Engineering college and does not entitle the fifth respondent to get final approval. While making this observation, the learned single Judge also observed that the petitioner has no *locus standi* to question the action of the respondent – AICTE.

We have heard the counsel for the appellants and are of the view that since the letter of intent does not confer any right on the fifth respondent, and the mere fact that a letter of intent has been issued,

the appellants cannot be said to be aggrieved at this stage. The appellants can be said to be having a grievance only in case permission is granted to the fifth respondent institution and for that, the stage has not yet reached and as such, the appellants' writ petition was premature. Learned single Judge ought to have dismissed the writ petition with liberty reserved to the appellants to file fresh one in case necessity thereof would have arisen. We are adopting the same procedure and would proceed to dispose of the appeal at this stage with an observation that it will be open to the appellants to file fresh writ petition on all available grounds including the grounds taken in the writ petition in case necessity thereof would arise in future and the observation made by the learned single Judge that the appellants have no

locus standi will not come in the way of the appellants in filing a fresh writ petition. The fresh writ petition, if any, filed will be decided on its own merits uninfluenced by the observations made by the learned single Judge.

The writ appeal is thus disposed of.

DEVINDER GUPTA, C.J.

G.ROHINI,J

Tvr/bsc

To

1 The Adviser (UG), All India Council for Technical Education,
Indira Gandhi Sports Complex, I.P. Estate,
New Delhi.
2 The Regional Officer, All India Council for Technical Education,
Southern Regional Officer, 26, Haddows Road,
Shastri Bhavan, Chennai.
3 The Principal Secretary, Higher Education, EC Department,
Govt. of A.P.Secretariat, Hyderabad.
4 Commissioner of Technical Education, Govt. of A.P.,
BRKR Bhavan, Tank Bund Road, Hyderabad.
5 2 CCs to Govt. Pleader for Higher Education, High Court buildings, Hyderabad (OUT)
6. 2 CD copies